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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,855	02/09/2004	Wen-Tsan Lin	Y4P4002-D0C00106	7213

7590 01/27/2006
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EXAMINER

AVERY, BRIDGET D

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/773,855	Applicant(s) LIN, WEN-TSAN	
	Examiner Bridget Avery	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ✓ 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities: on line 3, "diameters" should be changed to –diameter--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. Claim 1 recites the limitation "the elastomer" in lines 7 and 13. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 1 recites the limitation "the elastomers" in line 14. There is insufficient antecedent basis for this limitation in the claim.

It is suggested that applicant amend claim 1 to recite, "said at least one elastomer" at lines 7, 13 and 14.

4. Claim 6 recites the limitation "the cart rods" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsiao (US Patent 5,765,857).

Hsiao teaches a device for controlling the folding operation of a golf cart similar to applicants including:

- at least one first joint (21); at least one second joint (22) which is rotatable and movable along an axial direction with respect to the first joint (21)
- at least one spring/elastomer (23) installed between the first joint (21) and second joint (22)
- a threaded rod (244) (functionally equivalent to applicant's claimed spindle) passing through the first joint (21), the second joints (22) and the at least one elastomer (23)
- a tightening element (24) installed at a distal end of the threaded rod (244) for pressing the second joint (22) to move axially toward the first joint (21) and then tightly resist against the first joint (21); wherein the tightening element (24) serves to give a pressure to the second joint (22) and the first joint (21)
- the at least one elastomer (23) is compressed and can thus store potential energy

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- when the tightening element is released, the at least one elastomer (23) will eject the first joint and the second joints, as taught in column 2, lines 66-67 and column 3, lines 1-3
- the first joint (21) and the second joint (22) include at least one combining portion (clearly shown in Figures 1-4 as couplers 20a, 20b, 20c, 20d) for combining with a golf cart body (1 including first rod 12, second rod 13, and the third rod 14)
- one end of the tightening element (24) has an eccentric hole (clearly shown in Figure 4) for receiving the threaded rod (244) and another end of the tightening element has a control rib/spanner (242)
- the first joint (21) includes a left first joint (inner disk 215) and a second joint (outer disk 21)
- the combining portions each have a through hole; an outer diameter of the through hole is larger than the diameter of cart rods (12, 13, 14), as evidenced by the fact that the couplers fit over the cart rods (12, 13, 14), as shown in Figures 1 and 2
- each of the first joint (21) and second joints (22) has an axial hole (212, 225) so that the threaded rod (244) passes through the axial holes (212, 225) of the first joint (21) and second joints (22)
- connecting surfaces of the first joint (21) and the second joints (22) are formed with coarse surfaces (211, 224), respectively

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- a limiting means (25) is located between the second joint (22) and the threaded rod (244); the threaded rod (244) cannot rotate with respect to the second joint (22)

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cheng et al. shows a foldable golf cart.

Wu shows a folding collapsible golf cart.

Shieh shows a foldable golf cart.

Wu shows another folding collapsible golf cart.

Parks shows a utility cart.


Chiu shows a grip with an angle adjustable structure for a golf cart.

Wang shows a folding golf cart.

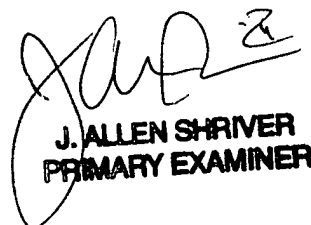
Hawkes shows a frame.

Welsh shows a collapsible golf bag carrier.

7. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.


Avery

January 19, 2006


J. ALLEN SHRIVER
PRIMARY EXAMINER